

State of Alabama
Unified Judicial System

SUMMONS

Case Number

Form C-34 Rev 6/88

- CIVIL -

CV-2006-07

IN THE CIRCUIT COURT OF MACON COUNTY

Plaintiff ELLEN T. FLOWERS v. Defendant ALLSTATE INDEMNITY COMPANY

NOTICE TO: AllState Indemnity Company, The Corporation Co., 2000 Interstate Park, Suite 204,
Montgomery, AL 36109

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF OR PLAINTIFF'S ATTORNEY MARY B. ROBERSON WHOSE ADDRESS IS 611 EAST GLENN AVENUE, P.O. BOX 3310, AUBURN, AL 36831-3310 (334)821-3892.

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED by the Alabama Rules of Civil Procedure:

____ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant.

☒ Service by certified mail of this summons is initiated upon the written request of the Plaintiff pursuant to the Alabama Rules of Civil Procedure.

Date 3/31/06

Eddie D. Mellen BY: _____
Clerk/Register

☒ Certified Mail is hereby requested.

Mary B. Roberson
Plaintiff's/Attorney's signature

RETURN ON SERVICE:

____ Return receipt of certified mail received in this office on _____ (date).

____ I certify that I personally delivered a copy of the Summons and Complaint to _____
_____ in _____ County, Alabama on _____ (date).

Date _____

Server's Signature _____

Address of Server _____

Type of Process Server _____

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,

Plaintiff,

VS.

CASE NO.: CV 06-07

ALLSTATE INDEMNITY COMPANY,
and fictitious defendants A, B, C, D and E
who are those other persons, corporations,
or other entities whose negligence, or
other wrongful conduct contributed to
cause the injuries and/or damages suffered
by the Plaintiff, whose true and correct
names are unknown to the Plaintiff at this
time but will be substituted by amendment
when ascertained.

Defendants.

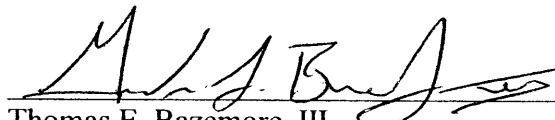
FILED IN
CIRCUIT CLERKS OFFICE
MACON COUNTY, AL
2006 MAY -4 P 2 30
EDDIE D. MALLAM
CIRCUIT CLERK

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

To: Circuit County Clerk
Macon County Alabama

PLEASE TAKE NOTICE that the following discovery documents have been forwarded to all attorneys of record and are filed on behalf of the Defendant, ALLSTATE INDEMNITY COMPANY, (the originals are being retained by Counsel for these Defendants):

- 1) Defendant Allstate Indemnity Company's First Set of Interrogatories to Plaintiff;
- 2) Defendant Allstate Indemnity Company's First Request for Production to Plaintiff;
- 3) Defendant Allstate Indemnity Company's First Request for Admission to Plaintiff.


Thomas E. Bazemore, III
Gordon J. Brady, III
Attorneys for Defendant, Allstate Indemnity Co.

OF COUNSEL:

HUIE, FERNAMBUCQ AND STEWART, LLP
The Protective Center
2801 Highway 280 South, St. 200
Birmingham, Alabama 35223
Telephone : (205) 251-1193
Telecopier: (205) 251-1256

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing on the following parties by placing same in the United States Mail, postage prepaid and properly addressed on this 3rd day of May, 2006.

Mary Bishop Roberson
Philip A. Thompson
HAYGOOD, CLEVELAND, PIERCE, MATTSON & THOMPSON, LLP
611 East Glenn Avenue
P.O. Box 3310
Auburn, Alabama 36831


Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,

Plaintiff,

VS.

CASE NO.: CV 06-07

ALLSTATE INDEMNITY COMPANY,
and fictitious defendants A, B, C, D and E
who are those other persons, corporations,
or other entities whose negligence, or
other wrongful conduct contributed to
cause the injuries and/or damages suffered
by the Plaintiff, whose true and correct
names are unknown to the Plaintiff at this
time but will be substituted by amendment
when ascertained.

Defendants.

FILED IN
CIRCUIT CLERKS OFFICE
MACON COUNTY, AL
2006 MAY -4 P 2:38
EDDIE D. MALLA
CIRCUIT CLERK

**DEFENDANT, ALLSTATE INDEMNITY COMPANY'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

COME NOW the Defendant, Allstate Indemnity Company and propounds the following First Set of Interrogatories to the Plaintiff:

1. State the name, address, telephone number and place of employment of the person answering these Interrogatories.
2. Please describe completely and in exact detail all property damage made the basis of this lawsuit.
3. Please identify each and every provision of the policy of insurance issued by the Defendant which you contend provides coverage for the property damage described in your Complaint.
4. Please state the total cost to repair the property damage described in your Complaint and state how the amount was calculated or obtained.
5. Please describe in detail each and every injury or damage suffered by you as a result

of the claims against this or any other Defendant set forth in your Complaint. For each, identify the method by which such damage has been measured, whether the damage is of an ongoing nature and whether any non-party has interest in or right to the damages sought. If any non-party has an interest, please set forth the basis for such interest.

6. Please identify each expert witness you intend to call to testify at the trial of this cause, the qualifications of each such expert witness and the substance of his or her proposed testimony and his or her opinions.

7. Please identify each and every person having knowledge of the facts made the basis of your claims against this or any other Defendant in this action.

8. Please list each and every employee of the Defendant with whom Plaintiff or any representative of Plaintiff had contact regarding insurance coverage of any type.

9. Identify any and all persons who were involved in, who you had contact with about, or who you communicated with about the claim made the basis of this lawsuit, giving their names, residential addresses, residential telephone numbers, work addresses, and work telephone numbers.

10. State fully and in detail all communications of any type, written or oral, between yourself and any agent, representative, or employee of Allstate Insurance Company which is relevant to, mentions, concerns, involves or is the outcome or result of the incident made the basis of this lawsuit, giving the date of each communication, the name, title, function and work telephone number of each person spoken to, and what was said.

11. Identify any and all documents in your possession, custody or control which are relevant to the damages you are claiming in this lawsuit.

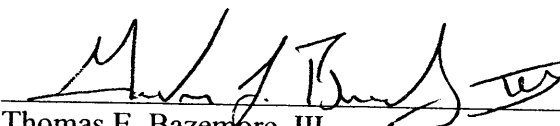
12. State the names, addresses and phone numbers of each and every witness you or your attorney expect to testify in the trial of this case.

13. State whether you entered into any contract or agreement with any contractor for repair of your home with respect to the damages set forth in your Complaint.

14. State whether you have ever repaired the roof and/or any other part of your home for any reason prior to the damage set forth in your Complaint.

15. Following the loss in question, have you made any repairs to the home? This includes but is not limited to the roof.

16. Please identify each and every engineer that came to your house and inspected the premises.


Thomas E. Bazemore, III
Gordon J. Brady, III
Attorneys for Defendant, Allstate Indemnity Co.

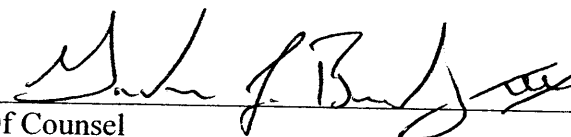
OF COUNSEL:

HUIE, FERNAMBUCQ AND STEWART, LLP
The Protective Center
2801 Highway 280 South, St. 200
Birmingham, Alabama 35223
Telephone : (205) 251-1193
Telecopier: (205) 251-1256

CERTIFICATE OF SERVICE

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Mary Bishop Roberson
Philip A. Thompson
HAYGOOD, CLEVELAND, PIERCE, MATTSON & THOMPSON, LLP
611 East Glenn Avenue
P.O. Box 3310
Auburn, Alabama 36831


Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,)	
)	
Plaintiff,)	
)	
VS.)	CASE NO.: CV 06-07
)	
ALLSTATE INDEMNITY COMPANY,)	
and fictitious defendants A, B, C, D and E)	
who are those other persons, corporations,)	
or other entities whose negligence, or)	
other wrongful conduct contributed to)	
cause the injuries and/or damages suffered)	
by the Plaintiff, whose true and correct)	
names are unknown to the Plaintiff at this)	
time but will be substituted by amendment)	
when ascertained.)	
)	
Defendants.)	

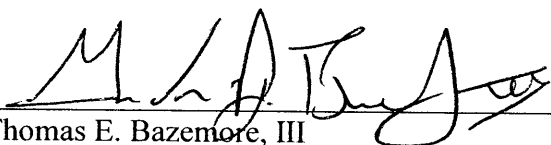
DEFENDANT, ALLSTATE INDEMNITY COMPANY'S, FIRST REQUEST FOR PRODUCTION TO PLAINTIFF

COMES NOW the Defendant, Allstate Indemnity Company, and propounds the following First Request for Production to Plaintiff:

1. Please produce a copy of all documents that refer to, discuss, evidence, constitute, reflect or relate in any way to the loss and property damage referenced in your Complaint.
2. Please produce a copy of the policy of insurance issued by the Defendant to Plaintiff.
3. Please produce a copy of all correspondence received by Plaintiff from the Defendant, any representative of the Defendant or any person acting on behalf of the Defendant.
4. Please produce a copy of all documents that refer to, discuss, evidence, constitute, reflect or relate in any way to the policy of insurance issued by the Defendant no matter what or who the source of those documents.
5. Please produce copies of any and all documents which support your claims against the Defendant.

6. Please produce copies of any and all documents which reflect any oral contacts between the Defendant and the Plaintiff.
7. Please produce copies of any documents that refer to, discuss, evidence, constitute or relate in any way to any damage you have suffered as a result of the claims made in your Complaint against the Defendant or any other Defendant.
8. Please produce any and all invoices or any other documents evidencing expenses incurred by you as a result of the property damage referred to in your Complaint.
9. Please produce copies of any and all estimates, contracts or agreements to repair the property damage referred to in your Complaint.
10. Please produce any video tapes, photographs, etc. which depict, evidence, or relate in any way to the property damages referred to in your Complaint.
11. Please produce a copy of any statements, whether written or recorded, which relate in any way to the property damages referred to in your Complaint.
12. Please produce a copy of any documents, notes, correspondence or report from any expert witnesses retained by Plaintiff's counsel in this case as well as any resume or curriculum vitae of said experts.
13. Please produce a copy of any paper, exhibit, photograph, video tape, document or thing which you or Plaintiff's counsel intend to introduce as evidence on your behalf in the trial of this case.
14. Please produce a copy of any and all documents or recordings in your possession which include any statements which you contend are attributable to any employee or agent of Allstate.
15. Copies of any checks issued to you by Allstate Insurance Company pursuant to request for payment made by you under the policy in question.
16. A complete copy of any and all documents, publications, statements, transcripts, recordings, memoranda or other writings which you contend are authored by Allstate or any agent, representative, servant or employee of Allstate which you have in your possession or is in the possession of your attorneys.
17. Please provide a complete copy of any and all documents, notes, correspondence, photographs or reports from any engineer hired by you to examine the subject property.
18. Please provide copies of your federal and state income tax returns from 2002 to

present.


Thomas E. Bazemore, III
Gordon J. Brady, III
Attorneys for Defendant, Allstate Indemnity Co.

OF COUNSEL:

HUIE, FERNAMBUCQ AND STEWART, LLP
The Protective Center
2801 Highway 280 South, St. 200
Birmingham, Alabama 35223
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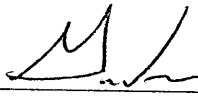
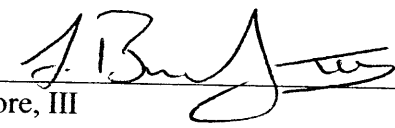

Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,)	
)	
Plaintiff,)	
)	
VS.)	CASE NO.: CV 06-07
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ALLSTATE INDEMNITY COMPANY,)	
and fictitious defendants A, B, C, D and E)	
who are those other persons, corporations,)	
or other entities whose negligence, or)	
other wrongful conduct contributed to)	
cause the injuries and/or damages suffered)	
by the Plaintiff, whose true and correct)	
names are unknown to the Plaintiff at this)	
time but will be substituted by amendment)	
when ascertained.)	
)	
Defendants.)	

NOTICE OF PROCEEDING

Defendant, ALLSTATE INDEMNITY COMPANY, to the extent required by Ala. Code § 6-6-227 (1975), hereby serves notice upon the Attorney General of the State of Alabama that it is challenging the constitutionality of the recovery of punitive damages, as more specifically set forth in the Answer filed on behalf of Allstate Indemnity Company in the above-styled cause, which is attached hereto and incorporated herein by reference.

Thomas E. Bazemore, III
Gordon J. Brady, III
Attorneys for Defendant, Allstate Indemnity Co.

OF COUNSEL:

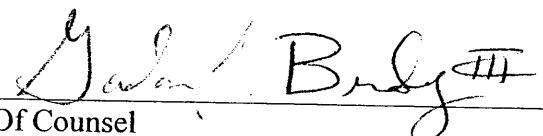
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Mary Bishop Roberson
Philip A. Thompson
HAYGOOD, CLEVELAND, PIERCE, MATTSON & THOMPSON, LLP
611 East Glenn Avenue
P.O. Box 3310
Auburn, Alabama 36831

Troy King, Esq.
Attorney General
State of Alabama
11 South Union Street
Montgomery, AL 36130


Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,

Plaintiff,

VS.

CASE NO.: CV 06-07

**ALLSTATE INDEMNITY COMPANY,
and fictitious defendants A, B, C, D and E
who are those other persons, corporations,
or other entities whose negligence, or
other wrongful conduct contributed to
cause the injuries and/or damages suffered
by the Plaintiff, whose true and correct
names are unknown to the Plaintiff at this
time but will be substituted by amendment
when ascertained.**

Defendants.

REQUEST FOR ADMISSIONS TO PLAINTIFFS

COMES NOW, the Defendant, Allstate Indemnity Company, and requests the Plaintiffs to admit or deny the following:

1. That you will never seek or attempt to recover from Allstate Indemnity Company monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs.



Thomas E. Bazemore, III

Gordon J. Brady, III

Attorneys for Defendant, Allstate Indemnity Company

OF COUNSEL:

HUIE, FERNAMBUCQ AND STEWART, LLP
The Protective Center
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Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,

Plaintiff

v.

ALLSTATE INDEMNITY COMPANY,
and fictitious defendants A, B, C, D and E who
are those other persons, corporations,
or other entities whose negligence,
or other wrongful conduct contributed to
cause the injuries and/or damages
suffered by the Plaintiff, whose true and
correct names are unknown to the
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Defendants.

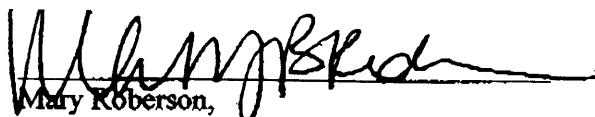
CV-2006-07

NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

TO: Eddie D. Mallard, Circuit Clerk
Macon County Courthouse
101 E. Northside Street
Tuskegee, AL 36083

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of Plaintiff Ellen Flowers:

- () Interrogatories to Defendant
- () Answers to Interrogatories
- () Request for Production to Plaintiff
- () Response to Request for Production
- (X) Plaintiff's Response to Request for Admissions
- () Response to Request for Admissions
- () Notice of Intent to Serve Subpoena
- () Notice of Deposition
- () Other


Mary Roberson,
Philip A. Thompson, Attorneys for Plaintiff

OF COUNSEL:

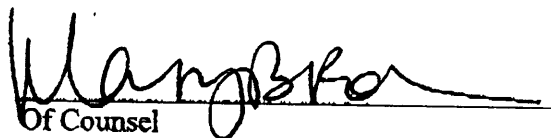
HAYGOOD, CLEVELAND, PIERCE, MATTSON & THOMPSON LLP
611 East Glenn Avenue
P.O. Box 3310
Auburn, Alabama 36831-3310
(334) 821-3892

CERTIFICATE OF SERVICE

I, the undersigned attorney of record for the Plaintiff, hereby certify that I have this day served a copy of the above and foregoing pleading upon:

Thomas E. Bazemore, III, Esq.
Gordon J. Brady, III, Esq.
Huie, Fernambucq and Stewart, LLP
The Protective Center
2801 Highway 280 South, Suite 200
Birmingham, AL 35223

by placing a copy of same in the U.S. Mail, postage prepaid and addressed to them this the 2nd day of June, 2006.


Of Counsel

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

ELLEN T. FLOWERS,

Plaintiff

v.

ALLSTATE INDEMNITY COMPANY,
and fictitious defendants A, B, C, D and E who
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Defendants.

CV-2006-07

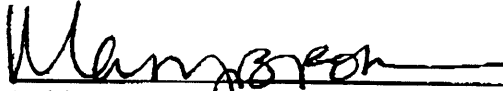
**PLAINTIFF'S RESPONSE TO DEFENDANT ALLSTATE INDEMNITY
COMPANY'S REQUEST FOR ADMISSIONS**

COMES NOW, Plaintiff Ellen T. Flowers, and answers Defendant Allstate Indemnity Company's Request for Admissions as follows:

1. That you will never seek or attempt to recover from Allstate Indemnity Company monetary damages in this case in excess of SEVENTY-FIVE THOUSAND and NO/100 (\$75,000.00) exclusive of interest and costs..

RESPONSE: DENY

Respectfully Submitted,



Philip A. Thompson,
Mary Bishop Roberson, Attorneys for Plaintiff

OF COUNSEL:

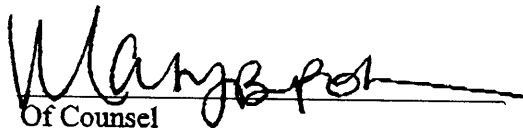
HAYGOOD, CLEVELAND, PIERCE, MATTSON AND THOMPSON LLP
Post Office Box 3310
Auburn, AL 36831-3310
(334) 821-3892

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing response on the following:

Thomas E. Bazemore, III, Esq.
Gordon J. Brady, III, Esq.
Huie, Fernambucq and Stewart, LLP
The Protective Center
2801 Highway 280 South, Suite 200
Birmingham, AL 35223

by placing said copy in the United States Mail, first class postage prepaid, on this 2nd day of June, 2006.


Of Counsel